

SEP 29 2008

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:05 CR 20137
VS. : JUDGE MINALDI
REGINALD STEVENS : MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

Presently before the court is the defendant's Motion for Sentencing Transcripts. The defendant asserts that he needs his sentencing transcripts in order to prepare a §2255 motion.

28 U.S.C. § 753(f) allows a court to order *transcripts* of a criminal proceeding where the § 2255 motion is not frivolous and the transcripts are needed to decide an issue presented in the motion, *see* 28 U.S.C. § 753(f). Stevens has failed to make any showing that his contemplated § 2255 petition would not be frivolous, or that the transcripts are needed to decide issues presented in any such § 2255 petition.¹ Accordingly,

IT IS ORDERED that the defendant's Motion for Sentencing Transcripts IS DENIED.

Lake Charles, Louisiana, this 24 day of September, 2008.


PATRICIA MINALDI

UNITED STATES DISTRICT JUDGE

¹ *United States v. MacCollom*, 426 U.S. 317, 326-27, 96 S.Ct. 2086, 48 L.Ed.2d 666 (1976) (rejecting argument that denial of request for transcripts prevents individual from filing § 2255 motion where individual made no showing that the transcripts were necessary); *Crossley v. United States*, 538 F.2d 508, 509 (2d Cir.1976) ("naked allegation" of need for transcripts to prepare for § 2255 motion was insufficient).